

Absent-Excused: Burns, Hughston, Oneal, Small, Stone.

Senate Bills Nos. 377, 393, 400 and 448 were reported favorably.

S. B. No. 432 was reported favorably with committee amendment.

House Bills Nos. 230, 382, 425, 519 and 576 were reported favorably.

House Bills Nos. 424, 547 and 779 were reported favorably with committee amendments.

Senator Hill requested to be reported as voting "No" on motion to report favorably H. B. No. 779.

Senator Martin requested to be reported as "present-not voting" on motion to report favorably H. B. No. 779.

H. C. R. No. 15 was reported favorably.

S. B. No. 142 was reported adversely with favorably committee substitute.

H. B. No. 417 was reported adversely with favorable committee substitute.

NOEL K. BROWN, Secretary.

FORTIETH DAY—(Cont'd.)

Senate Chamber,
Austin, Texas,
March 15, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

S. C. R. No. 26.

Senator Poage received unanimous consent to send up the following resolution:

Whereas, On or about the 6th day of December, 1934, the Axtell County Line Rural High School was completely destroyed by fire, with a loss of at least \$35,000.00 to the district, which was not more than half covered by insurance; and

Whereas, There has been paid to the trustees of said district the sum of approximately \$900.00 by the insurance company which had written a policy of insurance on the textbooks located in such building, and such payment was made entirely by reason of the fact that said district carried such insurance and paid for same out of local funds, and the State Department of Education asserts no claim to said sum so derived from such policy of insurance, but agrees that the trustees of such dis-

trict may use such sum for the construction and/or furnishing of a new building in said district; and

Whereas, Some question has arisen in the minds of the trustees as to their right to expend said moneys without any further legislative authority, and it is the desire of said trustees that any question as to their right to expend said sum for the benefit of the Axtell County Line Rural High School District be removed.

Now, Therefore, be it Resolved by the Senate of Texas, the House of Representatives concurring, that the Board of Trustees of said Axtell County Line Rural High School District be, and it is hereby authorized to expend said sum of money derived from the payment of the aforementioned policy of insurance, for the construction and/or equipment of a new school building in said district, and that in event such money is so expended, the members of such board shall not be liable in any manner for any misappropriation of such public moneys.

POAGE.

Read.

Senator Poage asked unanimous consent that the Senate rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 26 be taken up and considered at this time.

Granted.

Senator Poage moved to suspend the constitutional rule requiring resolutions to be read on three several days.

The motion prevailed by the following vote:

Yeas—26.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Blackert.	Regan.
Davis.	Sulak.
Fellbaum.	

S. C. R. No. 26 was adopted by the following vote:

Yeas—26.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.

Blackert.	Regan.
Davis.	Sulak.
Fellbaum.	

House Bill No. 232.

Senator Oneal called from the table H. B. No. 232 which had been read second time and laid on the table subject to call.

The Chair laid before the Senate H. B. No. 232.

By Mr. Holland:

H. B. No. 232, A bill to be entitled "An Act regulating petitions in suits for divorce, to require such petitions to state whether there are children under sixteen years of age, and if so, to give full information as to such minors, making it the duty of the courts having jurisdiction of such suits to inquire into the status of such children, if divorce be granted; empowering such courts to make orders and decrees for their support and maintenance until they reach sixteen years of age; to determine and fix the amounts to be paid, the times of payment, to whom to be made, to have authority to enforce all decrees by contempt proceedings, and to have control of such decrees, to alter them when justice requires, to ascertain the ability to pay, to enforce the duty of the parents to support their children under sixteen years of age, after divorce, presenting the procedure, and declaring an emergency."

Senator Oneal explained the bill.

Motion to Reconsider.

Senator Pace moved to reconsider the vote by which H. B. No. 232 passed to third reading.

The motion prevailed by viva voce vote.

Senator Pace sent up the following amendment:

Amend H. B. No. 232 by striking out the following words in lines 4 to 6, inclusive, page 2 of said bill: "And to enforce the payment of such judgments the court shall have full power and authority to fix a lien against the real and/or personal property of said parent or parents."

DAVIS,
PACE.

Read and adopted.

Point of "No Quorum."

Senator Holbrook raised the point of "no quorum," and moved that a call of the Senate be ordered.

The motion was seconded.

The roll call was ordered.

Present—23.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
DeBerry.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent.

Cotten.	Stone.
Small.	

Absent—Excused.

Blackert.	Regan.
Davis.	Sulak.
Fellbaum.	

The roll call developed a quorum present.

House Bill No. 232.

The bill was read the second time as amended and passed to third reading by viva voce vote.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 232 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	DeBerry.
Collie.	Duggan.
Cotten.	Hill.

Holbrook.	Poage.
Hopkins.	Rawlings.
Hornsby.	Redditt.
Hughston.	Sanderford.
Martin.	Shivers.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—1.

Burns.

Absent—Excused.

Blackert.	Small.
Davis.	Stone.
Fellbaum.	Sulak.
Regan.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Neal.
Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Moore.	Woodruff.

Nays—1.

Burns.

Absent.

Martin.

Absent—Excused.

Blackert.	Small.
Davis.	Stone.
Fellbaum.	Sulak.
Regan.	

House Bill No. 76.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Greathouse and Mr. Pope:
H. B. No. 76, A bill to be entitled "An Act to amend Sections 1, 2, 3, 5, 9, and 12 of Senate Bill No. 3, Chapter 16, page No. 42, of the General and Special Laws of Texas, passed at the Second Called Session of the Forty-third Legislature of the State of Texas, 1934, so as to extend the

effective date of said Chapter 16 to August 1st, 1936, and declaring an emergency."

The bill was read the second time.

Laid on Table Subject to Call.

On motion of Senator Sanderford H. B. No. 76 was laid on the table subject to call.

Motion to Set as Special Order.

Senator Collie asked unanimous consent to set for special order Monday morning after the morning call the following bills:

Senate Bills Nos. 17, 18, 19, 20, 22, 23, 24, 51, 160, 161, 162, 244, 245, 163, 164, 222, 307.

Granted.

Senator Collie asked unanimous consent to send up a committee report on S. B. No. 52.

Granted.

The report was read.

Senator Collie received unanimous consent to have S. B. No. 52 set as special order with the other bills.

Senate Bill No. 136.

Motion to Concur.

Senator Redditt moved that the Senate do concur in House amendments to S. B. No. 136.

The motion prevailed by the following vote:

Yeas—23.

Beck.	Moore.
Burns.	Neal.
Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Van Zandt.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Martin.	

Absent—Excused.

Blackert.	Regan.
Davis.	Small.
Fellbaum.	Stone.
Rawlings.	Sulak.

House Bill No. 407.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Beck and Mr. Canon:

H. B. No. 407, A bill to be entitled "An Act creating a State system of public employment offices; accepting the provisions of the Wagner-Peyser Act approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49), 'An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes'; designating the Bureau of Labor Statistics as the agency for the administration of this Act; creating a division within the Bureau of Labor Statistics to be known as the Texas State Employment Service, responsible for the administrative system of public employment officer, etc., and declaring an emergency."

Motion to Lay on the Table.

Senator Hughston moved to lay H. B. No. 407 on the table subject to call.

Motion to Rerefer.

Senator Redditt moved as a substitute that H. B. No. 407 be re-referred to the Committee on Finance.

The substitute motion prevailed.

Senate Bill No. 3.

Senator DeBerry asked unanimous consent to set for special order S. B. No. 3, Monday morning after the disposition of the other bills set for special order, after the morning call.

Point of Order.

Senator Hopkins raised the point of order that the bill was not before the Senate, the committee report had not been sent up, and the bill could not be considered until the bill had been returned to the Senate.

The Chair sustained the point of order.

House Bill No. 81.

The Chair laid before the Senate on its second reading the following bill:

By Mrs. Moore and Mr. Thornton:

H. B. No. 81, A bill to be entitled "An Act extending and enlarging the territorial boundaries and corporate limits of the City of Texas City, so as to include within such boundaries and limits an uninhabited parcel of land owned by said city and contiguous to

the present boundaries thereof, and declaring an emergency."

Senator Holbrook explained the bill.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 81 was put on its third reading and final passage by the following vote:

Yeas—22.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Duggan.	Poage.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent.

Blackert.	DeBerry.
Cotten.	Rawlings.
Davis.	

Absent—Excused.

Fellbaum.	Stone.
Regan.	Sulak.

Read third time and finally passed by the following vote:

Yeas—23.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Blackert.	Rawlings.
Davis.	Regan.
DeBerry.	Stone.
Fellbaum.	Sulak.

House Bill No. 159.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Walker:

H. B. No. 159, A bill to be entitled "An Act to amend Article 1683 of the Revised Civil Statutes so as to provide that county librarians who have received a certificate of qualification for office one time from the State Board of Examiners, and said county librarian has under said certificate received employment in any county library in this State, said librarian may thereafter be reemployed by said county library without further examination and the issuance of another certificate from said State Board of Library Examiners, and declaring an emergency."

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Oneal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 159 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Duggan.
Burns.	Hill.
Collie.	Holbrook.
Cotten.	Hopkins.
DeBerry.	Hornsby.

Hughston.	Redditt.
Martin.	Sanderford.
Moore.	Shivers.
Neal.	Small.
Oneal.	Van Zandt.
Pace.	Westerfeld.
Poage.	Woodruff.
Rawlings.	

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

Senate Bill No. 5.

Senator Poage asked unanimous consent that S. B. No. 5 be set for special order Monday morning after the morning call and the disposition of the other bills set for that day.

Senator Holbrook objected.

Senator Poage moved to set for special order S. B. No. 5 Monday morning after the morning call.

The motion failed by the following vote:

Yeas—15.

Beck.	Neal.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Sanderford.
Duggan.	Shivers.
Hill.	Westerfeld.
Hornsby.	Woodruff.
Moore.	

Nays—6.

Holbrook.	Redditt.
Hopkins.	Small.
Pace.	Van Zandt.

Present—Not Voting.

DeBerry.	Rawlings.
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Absent.

Hughston.	Martin.
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Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

H. C. R. No. 8.

The Chair recognized Senator Rawlings to call up H. C. R. No. 8, which had been laid on the table subject to call.

The Chair laid before the Senate:

H. C. R. No. 8, Granting permission to J. W. Maney and J. R. Alley to sue the State for damages.

On motion of Senator Rawlings, H. C. R. No. 8 was adopted by viva voce vote.

House Bill No. 26.

The Chair recognized Senator Hill who called up H. B. No. 26.

The Chair laid before the Senate:

By Mr. Alsup:

H. B. No. 26, A bill to be entitled "An Act prohibiting the taking of minnows for the purpose of sale from certain waters of Panola County; prohibiting the transportation by any one person at one time of more than one hundred and twenty-five (125) minnows beyond the borders of Panola County; providing a penalty, and declaring an emergency."

Senator Hill sent up the following amendment:

Amend H. B. No. 26 by adding after the words "and Wise" the words "and Collin," and "Comal."

HILL.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 26 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

Senator Hill sent up the following amendment:

"Amend the caption of H. B. No. 26 to conform to the body of the bill."

HILL.

Adopted.

Read third time as amended and finally passed by the following vote:

Yeas—23.

Beck.	Neal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Sanderford.
Hill.	Shivers.
Hopkins.	Small.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Nays—2.

Holbrook.	Oneal.
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Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

Senate Bill No. 390.

Senator Hopkins received unanimous consent to take up and consider S. B. No. 390.

By Senator Hopkins:

S. B. No. 390, A bill to be entitled "An Act to provide compensation for any person appointed by any district judge under the authority of Title 100 of the Revised Civil Statutes of the State of Texas (1925) to fill temporarily the office of county clerk in any county having a population of more than two hundred and seventy-five thousand persons, according to the last preceding Federal census, upon the temporary suspensions of such clerks, at the rate provided by law for such clerks and for compensation to such person in an amount so allowed by law to the person so removed for services less than one year in the proportion which the fraction of the year he serves bear to the whole year; and declaring an emergency."

Senator Hopkins sent up the following substitute:

Amend by striking out all below

the enacting clause and substitute the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 5982 of the Revised Civil Statutes of the State of Texas (1925) is hereby amended so as to read as follows:

Article 5982. "How Suspended"—At any time after the issuance of the order for the citation, as herein provided, the District Judge may, if he sees fit, suspend temporarily from office, the officer against whom the petition is filed, and appoint for the time being, some other person to discharge the duties of the office; but in no case shall such suspension take place until after the person so appointed shall execute a bond in such sum as the Judge may name, with at least two good and sufficient sureties, and on such conditions as the Judge may see fit to impose, to pay the person so suspended from office, all damages and costs that he may sustain by reason of such suspensions from office, in case it should appear that the cause or causes of removal are insufficient or untrue; provided, however, that in any action to recover upon such bond it shall be necessary to allege and prove that the person so temporarily appointed actively aided and instigated the filing and prosecution of such removal suit, and, that within ninety days after such person's execution of such bond, the person so removed, shall serve or cause to be served upon such temporary appointee and his bondsmen, notice, in writing, stating that such person so removed intends and expects to hold such temporary appointee and his bondsmen liable upon such bond, and the grounds of such claimed liability.

Sec. 2. Article 5982-a. That when any District Judge, acting under the authority reposed in him by Title 100 of the Revised Civil Statutes of the State of Texas (1925) shall suspend temporarily from office any person holding the office of county clerk in any county having a population of more than two hundred seventy-five thousand persons, according to the last preceding Federal census, and shall appoint for the time being some other person to discharge the duties of such office, such person so appointed for the time being shall be allowed to have and retain out of the fees earned and collected by him as such temporary officer the same amount now allowed or hereafter to

be allowed and provided by law as compensation for the person so removed by such District Judge; and provided, further, that such person appointed by such District Judge shall be allowed to have and retain out of fees earned and collected by him during a period of less than one year an amount proportionate to the amount allowed by law to the person so removed in the proportion which the fraction of the year he serves bears to the whole year. Such compensation herein provided shall belong solely to such temporary officer and shall be payable to him monthly out of fees earned and collected; and such compensation shall be his absolutely, and such temporary officer shall not be required to account to the officer so removed for such compensation, nor shall such officer so removed be permitted to recover such compensation from such temporary officer in any action at law or in equity.

Sec. 3. If the officer so removed from such office shall by final judgment establish his right to such office he shall be paid from the General Fund of the county a sum equal to all compensation received by such temporary officer during the period of his occupancy of such office.

Sec. 4. The importance of this proposed legislation and the fact that there is now no compensation provided by law for persons appointed by District Judges to act as temporary officers pending removal proceedings, creates an emergency and an imperative public necessity exists that the rule requiring bills to be read on three separate days in each House be suspended and this bill be placed upon its third reading and final passage, and take effect from and after its final passage, and it is so enacted.

Read and adopted.

Amend by striking out all above the enacting clause and substitute the following:

By Hopkins.

S. B. No. 390.

A Bill

To Be Entitled

An Act to amend Article 5982 of the Revised Civil Statutes of the State of Texas (1925) by adding a clause thereto providing that in any action by any officer removed under the authority of such article upon bond given by the person temporarily appointed to fill the office of the person so removed, it

shall be necessary to allege and prove that the person so appointed actively aided and instigated the filing and prosecution of the removal suit, and providing further that within ninety days after such person's execution of such bond, the person removed shall serve or cause to be served upon such temporary appointee and his bondsman, a notice in writing, stating that such person so removed intends and expects to hold such temporary appointee and his bondsmen liable upon such bond, and stating in such notice the grounds of such claimed liability; and by adding thereto a new section to be known as Article 5982-A; and providing for compensation for any person appointed by any District Judge under the authority of Title 100 of the Revised Civil Statutes of the State of Texas (1925) to fill temporarily the office of County Clerk in any county having a population of more than Two Hundred and Seventy Five Thousand persons, according to the last preceding Federal Census, upon the temporary suspension of such clerks, at the rate provided by law for such clerks, and for compensation to such person in an amount so allowed by law to the person so removed for services less than one year in the proportion which the fraction of the year he serves bears to the whole year; and providing that such compensation shall be payable monthly and shall belong solely to such temporary officer, and that the officer so removed shall not require an accounting of such temporary officer for such compensation nor recover from him such compensation in any action at law or in equity; and providing that if the officer so removed shall by final judgment establish his right to such office, he shall be paid from the general fund, a sum equal to all compensation received by such temporary officer during the period of his occupancy of such office; and declaring an emergency.

Read and adopted.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time as

substituted and passed to engrossment by viva voce vote.

On motion of Senator Hopkins the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 390 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Present—Not Voting.

DeBerry.

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

Senate Resolution No. 59.

Senator Duggan sent up the following resolution:

Whereas, Hon. John G. Willacy, of San Antonio, former State Senator and Tax Commissioner, is in the gallery.

Therefore be it resolved that he be invited to address the Senate at this time and be extended the privileges of the floor while in the city.

DUGGAN.

S. R. No. 59 was unanimously adopted.

Committee Appointed.

The Chair appointed Senators Duggan, Hornsby and Westerfeld to escort the distinguished visitor to the platform.

Lieutenant Governor Walter F. Woodul presented Senator Duggan who in turn presented Hon. John G. Willacy who addressed the Senate briefly.

Senate Resolution No. 58.

Senator Woodruff received unanimous consent to take up and consider S. R. No. 58.

S. R. No. 58, Relative to furnishing State Librarian with sufficient copies of the Texas Constitution.

On motion of Senator Woodruff S. R. No. 58 was adopted by viva voce vote.

House Bill No. 738.

Senator Oneal asked unanimous consent to take up H. B. No. 738.

Unanimous consent was granted.

The Chair laid before the Senate: By Mr. McFarland, Mr. Walker, and Mr. Tennyson.

H. B. No. 738, A bill to be entitled "An Act to diminish the civil jurisdiction of the County Court of Wichita County, Texas, and conform the jurisdiction of the district courts of such county to such change; to preserve the jurisdiction and power of the County Court of Wichita County, Texas, over certain final judgments rendered prior to the passage of this Act, etc., and declaring an emergency."

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 738 was put on its second reading by the following vote:

Yeas—25.

Beck.	Cotten.
Burns.	DeBerry.
Collie.	Duggan.

Hill.
Holbrook.
Hopkins.
Hornsby.
Hughston.
Martin.
Moore.
Neal.
Oneal.
Pace.

Poage.
Rawlings.
Redditt.
Sanderford.
Shivers.
Small.
Van Zandt.
Westerfeld.
Woodruff.

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

The bill was read second time and passed to third reading by viva voce vote.

On motion of Senator Oneal the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 738 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	Neal.
Burns.	Oneal.
Collie.	Pace.
Cotten.	Poage.
DeBerry.	Rawlings.
Duggan.	Redditt.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.
Moore.	

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Hughston.
DeBerry.	Martin.
Duggan.	Moore.
Hill.	Neal.

Oneal.	Shivers.
Pace.	Small.
Poage.	Van Zandt.
Rawlings.	Westerfeld.
Redditt.	Woodruff.
Sanderford.	

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

S. J. R. No. 6.

The Chair laid before the Senate on its second reading:

By Senator DeBerry:

S. J. R. No. 6. A joint resolution "Proposing an amendment to the Constitution of the State of Texas by adding to Article XVI another section, Section 61, providing for abolishing the fee method of compensating all district officers of this State and county officers in counties of this State having a population of twenty thousand (20,000) or more, and providing that all such district and county officers be paid on a salary basis, and providing that all precinct officers may be compensated on a fee basis, or on a salary basis and authorizing the Commissioners Court to determine whether certain county and precinct officers shall be paid on a fee basis or a salary basis.

The committee substitute was adopted.

On motion of Senator DeBerry, S. J. R. No. 6 passed to third reading by the following vote:

Yeas—24.

Beck.	Neal.
Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—1.

Burns.

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

On motion of Senator DeBerry, Senate Rule No. 38 requiring joint resolutions to be read on three several days was suspended by unanimous consent.

S. J. R. No. 6 as substituted was adopted by the following vote:

Yeas—24.

Beck.	Neal.
Collie.	Oneal.
Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Rawlings.
Hill.	Redditt.
Holbrook.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Small.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Nays—1.

Burns.

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

S. J. R. No. 24.

The Chair laid before the Senate in regular order:

By Senators Sulak, Holbrook and Blackert:

S. J. R. No. 24, A joint resolution "Proposing to amend the Constitution of the State of Texas so as to permit the furnishing of State official textbooks free to every child of scholastic age, attending any school within the State."

Read and pending.

Bills Referred.

H. B. No. 185, referred to the Committee on Criminal Jurisprudence.

H. B. No. 444, referred to the Committee on Finance.

H. B. No. 494, referred to the Committee on Finance.

H. B. No. 635, referred to the Committee on Civil Jurisprudence.

H. B. No. 637, referred to the Committee on Civil Jurisprudence.

H. B. No. 738, referred to the Committee on Civil Jurisprudence.

H. B. No. 763, referred to the Committee on Finance.

H. B. No. 11, referred to the Committee on Finance.

Bills Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 197,
S. B. No. 309.
S. B. No. 292.
H. B. No. 9.
S. B. No. 299.
S. B. No. 451.
S. B. No. 50.

Senators Excused.

The following Senators were excused on account of important business:

Senator Sulak on motion of Senator Van Zandt.

Senator Stone on motion of Senator Woodruff.

Senator Blackert on motion of Senator Holbrook.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 11, A bill to be entitled "An Act making appropriation for the establishment, operation and maintenance of the Texas Centennial (including the Texas Centennial Central Exposition and other celebrations), for the period beginning February 1, 1935, and ending December 31, 1936; providing that this Act shall supplement the Act passed by the Second Called Session of the Forty-third Legislature creating the Texas Centennial Commission, and that this Act repeals such parts of said former Act as are in direct conflict with it; providing for Centennial celebrations in Texas during 1936 at historical places to be determined by Texas Centennial Commission, etc., and declaring an emergency."

H. B. No. 185, A bill to be entitled "An Act to amend Section 15, paragraph 3, of the Acts of the Regular Session of the Forty-third Legislature, relating to the appointment of grand jury bailiffs of the Criminal District Court of Bexar County."

H. B. No. 444, A bill to be entitled "An Act making an appropriation for emergency malaria control measures by the State Board of Health in Cameron, Hidalgo, and Willacy Counties for a period of seven months, and declaring an emergency."

H. B. No. 494, A bill to be entitled "An Act making appropriations for the support and maintenance of summer schools during the summer of the year 1935 at the several State institutions of higher learning in the State of Texas; authorizing the expenditure by said institutions of certain additional amounts from fees collected from summer school students; and fixing the amount of admission, matriculation, and tuition fees for said institutions, and declaring an emergency."

H. B. No. 635, A bill to be entitled "An Act validating, ratifying, approving, and confirming bonds and other instruments or obligations heretofore issued by water control and improvements district, water improvement district, irrigation district, conservation and reclamation district, navigation district, road district, school district, county, city or incorporated town of this State for public works projects, and declaring an emergency."

H. B. No. 637, A bill to be entitled "An Act validating and approving all acts of the governing bodies of cities and towns of the State of Texas in the issuance and sale of bonds, to aid in financing any undertaking for which a loan or grant has been made by the United States through the Federal Emergency Administration of Public Works or other agency of the United States Government; validating such bonds and the tax levies made for the payment of such bonds, and declaring an emergency."

H. B. No. 738, A bill to be entitled "An Act to diminish the civil jurisdiction of the County Court of Wichita County, Texas, and conform the jurisdiction of the district courts of

such county to such change; to preserve the jurisdiction and power of the County Court of Wichita County, Texas, over certain final judgments rendered prior to the passage of this Act, etc., and declaring an emergency."

H. B. No. 763, A bill to be entitled "An Act providing for relief for the Hooks Independent School District of Bowie County, Texas, in order to aid said district in rebuilding its properties and equipping its school which was destroyed by fire on the eleventh day of February, A. D. 1935; providing for work relief; making an appropriation to said district for said property, and declaring an emergency."

S. B. No. 50, A bill to be entitled "An Act providing for the relief of Eagle Pass Independent School district of Maverick County, Texas, in order to aid the school district in accommodating the large growth of population due to the development of Quemado Valley Irrigation Settlement which covers a portion of the Eagle Pass Independent School District of 1934; making appropriation of eighty-five hundred (\$8,500.00) dollars to said district for said purposes, and declaring an emergency."

S. B. No. 136, A bill to be entitled "An Act making certain emergency appropriations out of the General Fund of the State of Texas for the Attorney General's Department for the balance of the fiscal year ending August 31, 1935, and declaring an emergency."

(With amendments.)

S. B. No. 299, A bill to be entitled "An Act to provide that in all counties having a population of Three Hundred Fifty-five Thousand (355,000) inhabitants or more according to the last preceding or any future Federal census, the county judge, sheriff, county clerk, criminal district attorney, district clerk, assessor and collector of taxes, justice of the peace and constables thereof, shall, subject to the conditions hereinafter set out, be entitled to draw and receive such annual compensation as is allowed them under the terms of Article 3883 of the Revised Civil Statutes, and declaring an emergency."

S. B. No. 451, A bill to be entitled "An Act amending the Bond and Warrant Law of 1931, being Chapter 163, Acts of the Forty-second Legislature, Regular Session, by adding a new Section to be known as Section 6a, to provide that the provisions of Section 4 of said Bond and Warrant Law shall not apply to the issuance of warrants for building, construction, reconstruction and/or repair of a court house and/or jail in any county where the court house has been torn down or demolished, etc., and declaring an emergency."

S. B. No. 292, A bill to be entitled "An Act making an emergency appropriation of money for the Sam Houston State Teachers College at Huntsville, Texas; providing the purpose thereof and declaring an emergency."

S. B. No. 309, A bill to be entitled "An Act providing relief for the Centralia Common School District, No. 35, of Trinity County, Texas, in order to aid said school district in rebuilding its properties and equipping its school which was destroyed by cyclone which struck the community of Centralia on the 7th day of February, 1935; providing for work relief; making an appropriation to aid said district for said property, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 47 by a vote of 118 yeas and 0 nays.

The House has concurred in Senate amendments to H. C. R. No. 32, by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 453.

Senator Moore received unanimous consent to send up the following local bill:

By Senator Moore:

S. B. No. 453, a bill to be entitled "An Act amending H. B. No. 276, Chapter 20, Special Laws of the Regular Session of the Thirty-sixth Legislature, and declaring an emergency."

Read and referred to the Committee on Educational Affairs.

Motion to Adjourn.

Senator Van Zandt at 12 m. moved that Senate adjourn until 10 o'clock a. m. Monday.

Motion to Recess.

Senator DeBerry made a substitute motion that the Senate recess until 2 o'clock p. m.

Adjournment.

The motion to adjourn prevailed by the following vote:

Yeas—13.

Beck.	Neal.
Burns.	Rawlings.
Cotten.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Van Zandt.
Martin.	Westerfeld.
Moore.	

Nays—11.

Collie.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Hill.	Small.
Hornsby.	Woodruff.
Hughston.	

Absent.

Oneal.

Absent—Excused.

Blackert.	Regan.
Davis.	Stone.
Fellbaum.	Sulak.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 15, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 136 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 50 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 309 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. 299 carefully examined and compared and find same carefully enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 292 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 451 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 390 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 311, being: "An Act amending Article 3883, Article 3891, Article 3902, and Article 3899, of the Revised Civil Statutes of Texas, 1925, as they are amended by S. B. No. 209, enacted by the Forty-third Legislature, Regular Session, providing the maximum and excess fees which all officers named herein shall be entitled to receive and retain, and the disposition to be made of the remainder, fixing the maximum compensation to be paid deputies, assistants and clerks, and the manner in which same may be appointed and paid; and by providing how the expense account of each officer shall be prepared, subject to the audit of the County Auditor, and how same shall be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do not pass but pass with the committee substitute in lieu thereof and that the committee substitute only be printed, in bill form.

PACE, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Contingent Expense, to whom was referred S. R. No. 58,

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be not printed.

WOODRUFF, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 738, A bill to be entitled "An Act to diminish the civil jurisdiction of the County Court of Wichita County, Texas, and conform the jurisdiction of the District Courts of such County to such change; to preserve the jurisdiction and power of the County Court of Wichita County, Texas, over certain final judgments rendered prior to the

passage of this Act; to require the County Clerk of such County to transmit all papers in pending civil cases to the District Courts of said County; and to continue in effect the filing date of papers previously filed in the County Court in said pending cases; to fix fees that the District Clerk of such County will be authorized to charge in connection with filing of papers so transmitted to him, and to declare an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 447, being: "An Act to provide for certificates to be issued by the Collector of Taxes of the State or of any political subdivision in the State showing payment of taxes, and that same shall be conclusive evidence of such payment in the absence of fraud or collusion, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 100, A bill to be entitled "An Act regulating the use of Trot Lines and Set Lines where such lines are permitted by laws of this State; providing the distance that hooks shall be set apart on such lines; providing that hooks set less than four (4) feet apart on such lines shall be prima facie evidence of guilt; repealing all laws in conflict with this Act; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, March 15, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 52, A bill to be entitled "An Act amending Article 590 of the Code of Criminal Procedure of the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Committee Room,

Austin, Texas, March 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 312, A bill to be entitled "An Act amending Article 4504, revised Civil Statutes of Texas, 1925, by striking out the words 'and that no charge be made therefor, directly or indirectly' after the words 'complied with' in the first sentence thereof; repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BECK, Chairman.

Committee Room,

Austin, Texas, March 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 392, being: "An Act authorizing B. H. Willis of Jefferson County, Texas, to institute and maintain a suit against the State of Texas, in the District Court of Liberty County, Texas, and in said suit to recover the value of lands owned by him and appropriated by the State of Texas as a right-of-way for Texas Highway Number Three, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass as amended by committee amendment No. 1 and be printed.

PACE, Chairman.

Committee Amendment.

Amend S. B. No. 392 by striking out of Line 3 of Section 1 "Liberty County" and place in lieu thereof "Travis County."

Committee Room,

Austin, Texas, March 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 407, being: "An Act providing limiting the time within which ad valorem taxes may be collected by the State, any county, municipality, or other defined subdivision and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 378, being: "An Act amending Section 1, Section 2, Section 4, Section 5, Section 6, Section 7, Section 8, Section 9, Section 10, Section 11, Section 12, Section 13, Section 15, and providing that venue of criminal prosecution shall be in Travis County or in the county where an offense is committed; providing that conviction may be had upon the uncorroborated testimony of an accomplice; etc., providing that if any part of the Act is found unconstitutional that such holding shall not impair or invalidate other parts of the Act; and providing that the Act shall take effect and become a law on September 1, 1935."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 14, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 379, being: "An Act amending Article 1104, Article 1105, Article 1106 and Article 1111 of the

Penal Code, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation it do pass and be printed.

PACE, Chairman.

Minutes of Committee Meetings.

Minutes of Committee on State Affairs Held March 14, 1935.

Regular Meeting.

Present: Pace, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Hughston, Martin, Moore, Oneal, Rawlings, Redditt, Regan, Shivers, Small, Stone, Sulak.

Absent: Blackert.

Absent-Excused: Fellbaum.

S. B. No. 378 was reported favorably with recommendation it be printed by a viva voce vote.

S. B. No. 379 was reported favorably with recommendation it be printed by a viva voce vote.

S. B. No. 392 was reported favorably with committee amendment No. 1 with recommendation it be printed by viva voce vote.

S. B. No. 407 was reported favorably with recommendation it be printed by viva voce vote.

S. B. No. 447 was reported favorably with recommendation it be printed by viva voce vote.

S. B. Nos. 2 and 298 were referred to a sub-committee.

REEVES Secretary.

Minutes of Senate Committee on Public Health. February 14, 1935.

Regular Meeting.

(Public hearing—S. B. No. 312.)

Present: Beck, Sanderford, Holbrook, Hornsby, Rawlings, Woodruff, Hughston.

Absent: (Excused) Oneal, Small, Davis, Redditt.

S. B. No. 312 was reported out of the Committee with the recommendations that it do not pass by the following vote:

Yeas: Sanderford, Holbrook, Rawlings, Woodruff and Hughston.
Nays: Hornsby.

BECK, Chairman.

Minutes of the Game Fish and Oyster Committee Held March 15, 1935.

Present: Shivers, Holbrook, Small, Cotten, Oneal, Pace, Redditt and Sulak.

On the motion made by Senator Holbrook S. B. No. 100 was reported with the recommendation that it do pass and be printed.

SHIVERS, Chairman.

Minutes of Called Meeting Committee on Insurance Held 7:30 p. m.

March 12, 1935.

Present: Collie, Cotten, DeBerry, Holbrook, Moore, Pace, Poage, Rawlings, Westerfeld, Woodruff.

Absent: (Excused) Shivers, Sulak, Hughston.

Upon motion of Senator Rawlings, S. B. Nos. 399, 403, 301, referred to sub-committee of three, including the Chair. Senators Rawlings and Woodruff were appointed as the other committeemen.

S. B. No. 434 set for special order Tuesday morning, March 19th, at 9 o'clock.

GEORGE, Secretary.

FORTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
March 18, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. K. M. Regan.

The roll disclosed a quorum, the following Senators being present:

Beck.	Neal.
Blackert.	Oneal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Holbrook.	Small.
Hopkins.	Stone.
Hornsby.	Sulak.
Hughston.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.

Absent—Excused.
Fellbaum.

Prayer by the Chaplain.